



*Town of Plaistow*  
**ZONING BOARD OF ADJUSTMENT**  
145 Main Street - Plaistow, NH 03865

**ZONING BOARD OF ADJUSTMENT**  
**MEETING MINUTES**  
**December 2, 2021**

The meeting was called to order at 6:31 pm

**Roll Call:** Peter Bealo, *Chair, excused*  
Dan Lloyd, *Vice Chair*  
John Blinn, *excused*  
Jonathan Gifford, *excused*  
Gary Ingham  
Jim Unger, *Alternate*  
Barb Burri, *Alternate, excused*  
Michael Murray, *Alternate*

**Also attending:** Dee Voss, *Administrative Assistant*

★ *J. Unger and M. Murray were appointed as a voting members for this meeting.*

**Minutes of October 28, 2021**

★ *M. Murray moved, second by J. Unger, to approve the minutes from the October 28, 2021, meeting as written. There was no discussion on the motion.*

**Roll Call Vote:** *D. Lloyd – yes; G. Ingham – abstain; J. Unger – yes; M. Murray – yes. The vote was 3-0-1 and the motion passes.*

★ *M. Murray moved, second by J. Unger, to approve the non-public minutes from the October 28, 2021, meeting as written. There was no discussion on the motion.*

**Roll Call Vote:** *G. Ingham – abstain; J. Unger – yes; M. Murray – ye; D. Lloyd – yes. The vote was 3-0-1 and the motion passes.*

D. Lloyd explained the process the Board uses for hearing and deciding (deliberating) on each application. He also noted that all motions are routinely made in the “to grant” format, but that is not indicative of how any member, including the one making the motion, might vote. D. Lloyd added that notices of decision will be sent within five (5) business days, but that no permits will be issued for thirty (30) days in order to allow for any appeals (requests for re-hearing) as per the NH RSAs

D. Lloyd noted that there was less than a five (5) member board available for this meeting. He noted that each motion to grant must have three (3) votes to the affirmative in order to pass. D.

Lloyd offered that the applicant could request a continuance to the next meeting in hopes that there would be a five-member board. He added that if the applicant chose to move forward at this meeting and did not prevail in obtaining the variance, they could not use the lack of a five-member board as grounds to request a re-hearing.

The single applicant for this meeting chose to move forward with their application.

### **PUBLIC HEARINGS:**

**#21-28: A request from Curtis Investment Properties, Inc, for a variance from Article V, Table 220-32.G.C(1) to allow a two-family conversion of a property with less than the required 110,000 SF of land area per dwelling unit (220,000 SF total minimum required for two dwelling units). The parcel is 118,918 SF (2.73AC) in area. The property is located at 47 Newton Road, Tax Map 67, Lot 24, in the ICR Zoning District. The applicant is the property owner of record.**

Pauline Curtis, property owner, and Attorney Christopher Ratte` were present for the application.

C. Ratte` noted the following regarding the application:

- The location of the property is in the Integrated Commercial Residential (ICR) Zoning District, which allows for mixed commercial and residential uses.
- The property is ~2.27Ac and was being used as an office and apartment
- The applicant had requested permits to convert the structure to three (3) apartments, but was denied by the then Building Inspector, Peter Blanchette.
- P. Blanchette issued a building permit to allow for two (2) residential units on November 5, 2020.
- The two residential units were proposed to be one (1) two-bedroom and one (1) one-bedroom.
- No changes are proposed for the exterior of the property with the exception of painting and upgrades to landscaping, but no changes to the footprint of the structure.
- There is a New Hampshire Department of Environmental Services approval of a four (4) bedroom septic design.
- In 2021, a certificate of occupancy (CO) was issued for the first unit
- A CO for the second unit was denied as the property did not meet the minimum lot sizing for two (2) residential dwelling units

C. Ratte` reviewed their responses to the variance criteria noting the following:

The proposed variance will not be Contrary to the Public Interest because:

- The property is consistent with other lots in the immediate vicinity
- The use is a permitted use

The Spirit and Intent of the Ordinance is preserved because:

- There will not be any changes to the footprint of the structure
- The updates will not change the character of the property or the neighborhood

There is Substantial Justice in Granting the variance because

- The owner received a building permit for a two-family dwelling
- They have already received a CO for the first unit
- They have spent \$438,000 in renovations
- There would be substantial harm to the property owner without any gain to the community

The Values of the Surrounding Properties will not be Diminished because:

- There will not be any changes to the exterior with the exception of cosmetics and landscaping, which will only improve the value of this and the surrounding properties
- There will not be any changes to the character of the building
- The use is essentially the same as before
- There is no burden on the neighborhood

Literal enforcement of the provisions of the ordinance would result in an Unnecessary Hardship:

- Based on the issuance of the building permit for a two-unit building \$438,000 were spent on renovations
- The use is a reasonable one and permitted in the district
- The occupancy will be the same as it was previously

D. Lloyd asked if both unites were completed.

C. Ratte' confirmed that they were and that it was when the CO for the second unit was requested that the need for a variance was noted.

M. Murray asked if both units would be rentals, it was confirmed.

J. Unger questioned if there was any additional building involved.

P. Curtis replied that they had maintained the integrity of the original building.

There was a discussion about the layout of the new floorplan versus the previous one.

P. Curtis noted that the original building permit was for condominium units, but they were not being converted to condominiums at this time and will remain as rentals.

D. Lloyd asked if the Board had any additional questions. There were none. He asked if there was anyone speaking in favor of, or in opposition to the application. There was no one. It was also noted that no emails or letters had been received regarding this application. The public hearing was closed.

### **DELIBERATIONS:**

***G. Ingham moved, second by J. Unger, to grant the request from Curtis Investment Properties, Inc for a Variance from Article V, Table 220-32G.C(1) to allow a second dwelling unit at 47 Newton Rd, Tax Map 67, Lot 24, on a parcel of less than 220,000SF in land area.***

The Board reviewed the criteria for the granting of a variance with the following findings:

- Granting the variance will not be contrary to the Public Interest because there was already two (2) units there, one was an office. There will not be any changes to the façade of the building or to the footprint.
- The Spirit and Intent of the ordinance are preserved there will not be any changes from the existing building and many lots in the area are smaller than this one is.
- There is Substantial Justice in granting the application there is no gain to the public in the denial of the application and there is enough property to support the proposed use.
- Surrounding Property Values will not be Diminished as a lot of work has already been done to improve the aesthetics of the property to increase its value. Increasing the value of this property may improve, not detract from, the values of the surrounding properties. No evidence to the contrary was presented
- Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because a substantial amount of investment has been made based on a building permit issued by the former Building Inspector. The applicant relied on his guidance at the time of the renovations.

***Roll Call Vote: J. Unger – yes; M. Murray – yes; D. Lloyd – yes; G. Ingham - yes. The vote was 4-0-0 U/A.***

There was no additional business before the Board and the meeting was adjourned at 6:56 p.m.

Respectfully Submitted:

Dee Voss  
Administrative Assistant